

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P36294-PO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/APEA/416)	
International application No. PCT/JP2005/002666	International filing date (day/month/year) 14.02.2005	Priority date (day/month/year) 30.03.2004
International Patent Classification (IPC) or both national classification and IPC INV. H04L12/58 H04L29/08		
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD. et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application

Date of submission of the demand 06.12.2005	Date of completion of this report 14.07.2006
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I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-18 as originally filed

Claims, Numbers

2-6, 8, 9 as originally filed
1, 7 as amended (together with any statement) under Art. 19 PCT

Drawings, Sheets

1/10-10/10 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

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5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-9
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item I

The feature "at least one of a message displaying apparatus and a destination displaying apparatus" replacing the feature "the content source apparatus based on the source information" is only partly disclosed in the application as originally filed. On page 13, lines 19-22 of the description it is disclosed that a "notice of transfer rejection" is sent to a "message displaying apparatus", but no disclosure exists about sending it to the "destination displaying apparatus". The amendment is consequently not allowable as a whole and the IPER is thus established as if the amendment had not been made (Rule 70.2c PCT).

It should be noted, that the requested amendment would have had no consequence on independent Claims 4 and 8 as they remained unchanged. An inconsistency between independent claims would have resulted.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 Reference is made to the following document:

D1 = US 2002/0087549

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-9 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document):

A content relay server for relaying content between a content source and a content destination (paragraph 14: "a network entity") which comprises:

- a) an information storing unit operable to store identification information (paragraph 16: "a database comprising recipient data describing multimedia reception capabilities and/or reception preferences for at least one recipient"),
- b) a content receiving unit operable to receive from the content source apparatus,

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- identification information of the destination and a content associated with it and source information (paragraph 15: "receiving media content from a sending entity and addressed to at least one recipient"),
- c) a transfer judging unit to judge based on the content information whether or not the received content can be received by the destination apparatus (paragraph 42: "the appropriateness of the content ... is checked before its transmission ..." and paragraph 26-28),
 - d) a content transferring unit to transfer the received content when it is judged that the content can be received (paragraph 18: "outputting the notification message for transmission to said at least one recipient" and paragraph 40),
 - e) a transfer rejection notifying unit, which provides a notice of rejection to the source when the content is judged non-receivable (paragraph 44: "a ... failure message is formed and transmitted to the sending entity to acknowledge incompatibility ...").
- 2 The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claims 4, 7 and 8, which therefore are also considered not new.
- 3 Dependent claims 2-3, 5-6 and 9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, see document D1 and the corresponding passages cited in the search report.

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CLAIMS

1. (amended) A content relay server for relaying a content between a content source apparatus and a content destination apparatus, said content relay server comprising:

5 an information storing unit operable to store identification information of the content destination apparatus and content information about a content that can be received by the content destination apparatus, the identification information and content information being associated with each other, and operable to store 10 source information about the content source apparatus and destination information about the content destination apparatus;

15 a content receiving unit operable to receive, from the content source apparatus, identification information of the content destination apparatus, a content associated with the identification information, and source information about the content source apparatus;

20 a transfer judging unit operable to extract, from said information storing unit, content information associated with the received identification information of the content destination apparatus, and judge, based on the content information, whether or 25 not the received content can be received by the content destination apparatus;

a content transferring unit operable to transfer the received content to the content destination apparatus identified by the 25 identification information when said transfer judging unit judges that the content can be received; and

30 a transfer rejection notifying unit operable to provide notice of a transfer rejection to at least one of a message displaying apparatus and a destination displaying apparatus when said transfer judging unit judges that the content cannot be received.

2. ~~The content relay server according to Claim 1, further~~

5 said the content storing apparatus further comprises
a content information update requesting unit operable to
provide notice of a change in the content information to said content
relay server when the content information about the content that
can be received has been changed; and

10 said content relay server further comprises
an information updating unit operable to update the content
information stored in said information storing unit upon request
from said content information update requesting unit.

15 7. (amended) A content relay method by which a content relay
server relays a content, the content relay server including an
information storing unit operable to store identification information
of a content destination apparatus and content information about a
content that can be received by the content destination apparatus,
the identification information and content information being
associated with each other, and operable to store source information
about the content source apparatus and destination information
about the content destination apparatus, said content relay method
comprising:

20 receiving, from the content source apparatus, identification
information of the content destination apparatus, a content
associated with the identification information, and source
information about the content source apparatus;

25 extracting, from the information storing unit, content
information associated with the received identification information
of the content destination apparatus, and judging, based on the
content information, whether or not the received content can be
received by the content destination apparatus;

30 transferring the received content to the content destination
apparatus identified by the identification information when it is
judged that the content can be received; and

providing notice of a transfer rejection to at least one of a message displaying apparatus and a destination displaying apparatus when it is judged that the content cannot be received.

5 8. A program for relaying a content between a content source apparatus and a content destination apparatus, said program comprising executable code operable to cause a computer to perform:

10 receiving, from the content source apparatus, identification information of the content destination apparatus, a content associated with the identification information, and source information about the content source apparatus;

15 extracting, from the information storing unit, content information associated with the received identification information of the content destination apparatus, and judging, based on the content information, whether or not the received content can be received by the content destination apparatus;

20 transferring the received content to the content destination apparatus identified by the identification information when it is judged that the content can be received; and

25 providing notice of a transfer rejection to the content source apparatus based on the source information when it is judged that the content cannot be received.

30 9. The content relay server according to Claim 1, wherein:

 said information storing unit is operable to store rejection information for rejecting a reception of a content transmitted from a specific source; and

 said content relay server further comprises
 a reception rejecting unit operable to judge whether or not
 the source information transmitted from the content source
 apparatus is included in the rejection information, and reject a